

Message Text

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ACTION SNM-05

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C O R R E C T E D C O P Y TEXT (GARBLED THROUGHOUT)

E.O. 11652: N/A
TAGS: SNAR
SUBJECT: NARCOTICS LAW

REF: A) STATE 170187 B) STATE 203321 C) THE HAGUE A-12

1. A COMPLETE ENGLISH TRANSLATION OF NETHERLANDS DRUG LAW
WAS SUBMITTED IN FEBRUARY (REF C).

2. OUR CONTRIBUTION TO THOSE SECTIONS OF REF A WHICH ARE NOT
COVERED IN THE DUTCH LAW, KEYED TO THE SPECIFIC PARAGRAPHS
AND SUBHEADINGS, ARE AS FOLLOWS: (4) FINANCIAL: (A) NOT
DIRECTLY. THE ONLY APPLICABLE LAWS ARE THOSE RELATING TO
TAX EVASION. THE NETHERLANDS DOES NOT HAVE ANY LAWS SIMILAR
TO THE RICO STATUTES (18 USC 1962, A THRU D). HOWEVER,
DUTCH POLICE MAY REFER RICO TYPE CASES TO THE INVESTIGATIVE
DIVISION OF THE MINISTRY OF FINANCE FOR TAX EVASION AND
FRAUD INVESTIGATION OF THE INDIVIDUALS OR FIRMS. IN ADDI-
TION, MONEY FOUND WHERE NARCOTICS HAVE BEEN SEIZED WOULD BE
REFERRED TO THE INVESTIGATIVE DIVISION OF THE MINISTRY OF
FINANCE FOR TAX ASSESSMENT AND PENALTIES. TAX RETURNS AND
THE RECORDS OF FINANCIAL INSTITUTIONS USED BY THE IN-
DIVIDUAL MAY THEN BE REVIEWED BY INVESTIGATORS FROM THE
MINISTRY OF FINANCE WITHOUT COURT ORDER TO DETERMINE IF
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TAX EVASION HAS TAKEN PLACE. IF SO, AFTER PAYMENT OF
ANY DUE TAXES AND/OR PENALTIES, THE REMAINDER OF THE
IMPOUNDED MONEY IS RETURNED TO THE INDIVIDUAL.
(B) THERE ARE NO CURRENCY CONTROLS ON THE EXPORT OF
CURRENCY. BANK ACCOUNTS AND MONEY TRANSFERS ARE FREELY
AND EASILY ARRANGED AND RECORDS ARE NOT READILY AVAIL-
ABLE TO AUTHORITIES.

(5) CRIMINAL PROCEDURE: (A) THE PERIOD OF INVESTIGATIVE DETENTION IS TWO DAYS AND THIS MAY BE EXTENDED AN ADDITIONAL TWO DAYS. CONSULAR ACCESS IS PERMITTED DURING INVESTIGATIVE DETENTION. DEA OFFICIALS IN EMBASSY ARE OFTEN FIRST TO BE INFORMED OF ARREST OF AMERICAN CITIZENS. (B) PRE-TRIAL DETENTION FOR MORE SERIOUS CHARGES IS GENERALLY 60 TO 90 DAYS. (C) I - THE TRIAL PROCESS GENERALLY REQUIRES NO MORE THAN TWO WEEKS WITH SENTENCING TAKING PLACE DURING THAT PERIOD. III APPELLATE PROCESS -- PUBLIC PROSECUTOR AND DEFENDANT EACH HAVE TWO WEEKS IN WHICH TO APPEAL TO HIGH COURT OF JUSTICE. HEARING OF APPEAL DEPENDS UPON COURT CALENDAR. (D) LEGAL COUNSEL IS PROVIDED BY THE COURT AT NO COST TO DEFENDANT AND SUCH COURT APPOINTED LAWYERS ARE KNOWLEDGEABLE AND GENERALLY USED. THERE ARE ADEQUATE LAWYERS AVAILABLE BUT THEY ARE SELDOM USED. (E) THERE IS PROVISION FOR CONDITIONAL LIBERTY, WHICH APPLIES TO LESSER OFFENDERS, AND REQUIRES DEPARTURE OF OFFENDER FROM THE COUNTRY. (F) IT IS CUSTOMARY TO EXPEL MINOR OFFENDERS. THEY ARE USUALLY ESCORTED TO DEPARTING AIRCRAFT. THEIR NAMES MAY ALSO BE RECORDED IN DUTCH LOOKOUT BOOKS FOR INCOMING VISITORS.

JOSEPH

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